

1 UNITED STATES DISTRICT COURT  
2 EASTERN DISTRICT OF NEW YORK

-----x 18-CR-538 (MKB)

3 UNITED STATES OF AMERICA,

United States Courthouse  
4 Plaintiff, Brooklyn, New York

5 -against-

December 7, 2021  
6 NG CHONG HWA,  
10:30 a.m.

7 Defendant.

8 -----x  
9 TRANSCRIPT OF CRIMINAL CAUSE FOR STATUS CONFERENCE

10 ALL PRESENT VIA TELECONFERENCE  
11 BEFORE THE HONORABLE MARGO K. BRODIE  
12 UNITED STATES CHIEF DISTRICT JUDGE

APPEARANCES

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1 (In open court; All present via teleconference.)

2 THE COURT: Winnie, please call the case.

3 THE COURTROOM DEPUTY: Criminal cause for status  
4 conference. Docket Number 18-CR-538.

5 Persons granted remote access to proceedings are  
6 reminded of the general prohibition against photographing,  
7 recording, and rebroadcasting of court proceedings. Violation  
8 of these prohibitions may result in sanctions, including  
9 removal of court issued media credentials, restricted entry to  
10 future hearings, denial of entry to future hearings, or any  
11 other sanctions deemed necessary by the Court.

12 Counsel, starting with the government, please state  
13 your name for the record.

14 MR. ROLLE: Good morning, Judge. You have Drew  
15 Rolle, Alix Smith, Dylan Stern from the U.S. Attorney's  
16 Office. We also have Jennifer Ambuehl and Brent Wible from  
17 DOJ in Washington.

18 THE COURT: Good morning.

19 MR. ROLLE: Good morning, Judge.

20 MR. AGNIFILIO: Yes, good morning, Your Honor. For  
21 the defendant, Mr. Ng, you have Marc Agnifilio, Teny Geragos  
22 and Jacob Kaplan. And we are here with our client altogether.  
23 Good morning everybody.

24 THE COURT: Good morning. And good morning, Mr. Ng.

25 So I've reviewed the parties' submissions with

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1 regard to the motions *in limine*. I have not fully gone  
2 through the government's motion, but I've looked at Mr. Ng's  
3 motion.

4 So first I want to start with that, and I want to  
5 find out whether or not the parties have attempted to work out  
6 the witness list and exhibit issues, as well as the 3500  
7 issues.

8 MR. ROLLE: Your Honor, this is Drew Rolle for the  
9 record. We spoke, I think as requested in counsel's letter  
10 from last night. We have discussed with them the production  
11 of 3500 and, in fact, we did begin producing 3500. We intend  
12 to keep doing so on a rolling basis. There is a lot in this  
13 case, so in our view it makes sense to produce even earlier I  
14 think than what counsel had requested, and so we're going to  
15 continue doing that on a rolling basis.

16 I don't know if that answers counsel's question in  
17 his letter, but that's the government's intention, and I think  
18 we'll continue to produce as we head to trial.

19 As to the witness list. I think that we intend to  
20 produce it ahead of trial in sufficient time. I don't  
21 think -- we currently have six weeks, but I think our 3500  
22 production and any discussions we have about those with  
23 counsel, and I think we're happy to continue discussing the  
24 people identified in the 3500.

25 I think that sort of answers the question counsel's

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1 raised, because we'll actually be producing the statements of  
2 witnesses, even if there are additional people on the list and  
3 for whom we have not yet produced 3500.

4 THE COURT: And what about the exhibits, counsel?

5 MR. ROLLE: I think that we are working on our --  
6 finalizing our exhibit list now, and I think we can get that  
7 to counsel a month before trial.

8 THE COURT: So the trial starts on, I believe it's  
9 January 18th, correct?

10 MR. ROLLE: I think jury selection is on the 18th,  
11 Your Honor, and openings will be on the 24th.

12 THE COURT: I do realize the holidays are the last  
13 week in December and the first week in January. I don't  
14 anticipate that many people will be diligently working those  
15 two weeks, maybe I'm wrong about that, but when you say four  
16 weeks in advance, are you referring to the first week in  
17 January or are you referring to the last week of December,  
18 Mr. Rolle?

19 MR. ROLLE: Yes, Your Honor, the last week of  
20 December.

21 THE COURT: And that last week will be the week  
22 between Christmas and New Years.

23 Is there any reason why you couldn't get those  
24 documents to counsel by the week prior, the week of the 20th  
25 of December?

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1                   MR. ROLLE: I think we're picking that date sort of  
2 forecasting where we are and how many exhibits that we will  
3 need to physically be marked, you know, electronically. We  
4 will endeavor to do that even before then, if it can be done  
5 before Christmas, potentially some partial amount and, again,  
6 the full amount of evidence is substantial would have to be  
7 produced after that point.

8                   So I just have to say, I think looking at the  
9 calendar that week towards the end of the year looks feasible,  
10 so we can continue discussions with counsel and hopefully get  
11 it out before then.

12                  THE COURT: Before the end of December?

13                  MR. ROLLE: Yes.

14                  THE COURT: And is that true for both the 3500  
15 material and the exhibits?

16                  MR. ROLLE: I think it's certainly true as to the  
17 exhibits that we discussed. On the 3500, there may be --  
18 we're still getting more. I think we'll have the lion's share  
19 of it out. I think there are some that -- not all the 3500 is  
20 situated similarly, some of it is sensitive for a number of  
21 reasons and we wanted to have an opportunity to discuss with  
22 counsel for our plan for some of that more sensitive 3500,  
23 which may come closer to trial.

24                  THE COURT: Putting aside the sensitive matter that  
25 you don't want to disclose early, can the rest of it be

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1 disclosed by the end of the month?

2 MR. ROLLE: Yes, Your Honor.

3 THE COURT: Okay. Turning to Mr. Agnifilo.

4 MR. AGNIFILIO: Yes. Thank you, Your Honor.

5 We have been discussing this with the government,  
6 and I think we have a slightly different view of the 3500.

7 They've given us a fair amount of raw material but  
8 it's in the nature of individuals who I don't think are  
9 remotely relevant and are highly unlikely to be witnesses, we  
10 think.

11 You know, we don't think we have any of the 3500  
12 people who seem to actually be witnesses at the trial, so it's  
13 really no -- not much news to us to get 35 -- the so-called  
14 3500 for people who are not likely to be witnesses. And so,  
15 you know, the cooperator or certain other people who I think  
16 they're actually going to call, we don't have any of that.

17 And the sort of immediate concern that we discussed  
18 with the government in our call last night that I'll just  
19 raise with the Court, I have finally found a way to get to the  
20 Far East later this week, and I told the government this  
21 yesterday, and we were really hoping to be a little further  
22 along with the 3500 and the trial exhibits, because I'm not  
23 going to get a second chance to do this.

24 It's very difficult to do as it is with COVID  
25 restrictions, and I just found a way, at long last, and so

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1 this really does have a practical effect. Not so much that I  
2 would go and interview the government witnesses. I don't  
3 think in a million years I would do that. But there are  
4 certain relevant aspects of our investigation that I really  
5 can only do when I have a better feeing of what the 3500 and  
6 the exhibits would be.

7 And so the problem, unfortunately, is I'm going to  
8 be doing this and taking the one and only trip, you know, to  
9 the Far East to prepare for this trial at a time when we don't  
10 have any 3500 of any of the people who are going to be  
11 witnesses, and we don't have any of the exhibits. So -- and  
12 we don't have a witness list.

13 So, you know, I know Your Honor has limited ability  
14 to order these things, and we really appreciate what Your  
15 Honor wrote in Your Honor's order that you encourage, and you  
16 urge the government to do this six weeks ahead of time.

17 Our view is that six weeks ahead of time of the  
18 trial is today, and we're picking a jury six weeks from today.  
19 And so our view is we should have been further along with the  
20 3500 and the exhibits and the witness list than we are.

21 And we appreciate, you know, the dialogue we've had  
22 with the government. I think it's been productive. I think  
23 we've been able to keep a lot of things away from being  
24 motions and we've worked a lot of things out on our own.

25 But this is a very big trial, and we're especially

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1 hampered by the fact that all of these events, for the most  
2 part, took place in other countries, and once I take this trip  
3 and I am back, I don't think I can go again. So there are  
4 certain practical issues in this trial that I think make the  
5 discovery all the more important to have, you know, six weeks  
6 before the trial, as Your Honor indicated in Your Honor's  
7 order. So that's our position, Judge.

8 THE COURT: Thank you, Mr. Agnifilo. And as you  
9 know and acknowledged it, there is very little I can do on  
10 this front, but what I can do is encourage you to speak to the  
11 government, specifically as to who you intend to interview and  
12 try to see what, if any, information you can obtain from the  
13 government with regard to those specific individuals.

14 I assume you won't mind sharing the plan on  
15 interviewing abroad for purposes of trying to get the  
16 government to accommodate you further.

17 Mr. Rolle?

18 MR. ROLLE: Thank you, Your Honor. And, yes, we're  
19 happy to continue to discuss with counsel. We're happy to  
20 have that conversation with him.

21 I wanted to just put on the record, as Your Honor I  
22 think is aware from our prior filing, just in response to  
23 Mr. Agnifilio's point, I don't think any of these factors are  
24 unique to this case; if anything, I think in this instance six  
25 weeks out from trial, counsel and the defendant have a clear

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1 view of the proof to be offered at trial.

2           Whether they have the witness' statement of facts,  
3 they have the facts, and in part, they have more than that,  
4 because one of the witnesses had said, as mentioned today, we  
5 have produced voluminous discovery beyond Rule 16 in the form  
6 of 3500 for the entire laptop, phone, (audio interference)  
7 countless (audio interference) and any ordinary thing would be  
8 produced (audio interference).

9           We have endeavored and to fully (audio  
10 interference). We're not trying to hide this all in this  
11 case, so we're happy to engage with counsel, and we do intend  
12 to continue producing 3500 on a rolling basis.

13           To the extent counsel may have a different judgment  
14 of the information contained in our rolling production that  
15 they may be is not irrelevant, we're trying not to make that  
16 determination from our view but to turn over what may be  
17 relevant to testimony or potentially cross-examination  
18 material, and we will continue to make that raw production as  
19 discussed before, Judge.

20           THE COURT: Thank you, Mr. Rolle. And as I  
21 indicated, why don't you discuss with Mr. Agnifilo the  
22 witnesses that you plan to go interview so that you can  
23 accommodate him as best as you can to make this trip as  
24 fruitful as possible so that we can have a fair trial at the  
25 end of the day.

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1 I think we've resolved those issues. At least I  
2 encourage the parties to continue to speak to each other.

3 Mr. Agnifilo, you're traveling next week or this  
4 week?

5 MR. AGNIFILIO: Later this week, Your Honor. And  
6 I'll be -- I'll be there for probably a little over a week.

7 THE COURT: Okay. So why don't you continue your  
8 conversation with the government as to the specific witnesses  
9 you plan to interview and attempt to gather additional  
10 information for that purpose.

11 MR. AGNIFILIO: Thank you, Your Honor.

12 THE COURT: Will the parties please mute their  
13 lines.

14 Can we move on to your application for a hearing.  
15 As you acknowledged, Mr. Agnifilo, that is not something that  
16 we typically do in the Second Circuit. Why do you believe it  
17 should be done in this case?

18 MR. AGNIFILIO: Yes, Judge. As we put in our memo,  
19 it is not typically done in the Second Circuit. And I know  
20 I'm not arguing this to the Second Circuit at the moment,  
21 obviously, but I don't know that the Second Circuit really  
22 comes down on the right side of this issue.

23 And I think as a practical matter, more pressingly,  
24 the problem I think we're going to run into is in the middle  
25 of a witness' testimony, the government will put in, you know,

1 what could be a hearsay statement or could not be a hearsay  
2 statement based on the coconspirator rule.

3 And I feel honestly it puts the Court in a difficult  
4 position and counsel in a difficult position of having to rule  
5 on very important evidence, really taking things on face, to a  
6 certain extent, you know, that the government is going to say,  
7 well, this person's a coconspirator and this is a statement  
8 made in furtherance of the conspiracy during the time span of  
9 the conspiracy.

10 And the Court and counsel almost have no choice but  
11 to accept that as true. And that doesn't seem to be what --  
12 the Court in *Bourjaily*, and we sort of allude to this in our  
13 papers, seems to contemplate a Rule 104 hearing for the  
14 admissibility of coconspirator statements.

15 And I think the way the practice has developed in  
16 the Second Circuit and other circuits, and quite frankly the  
17 majority of the circuits, there's really only two circuits  
18 that hold the appearing pretrial is a matter of expediency,  
19 but I don't know that it really helps our, "I'll get to the  
20 best answer," and I think it also doesn't allow the Court to  
21 have a preview of the issues that are going to be coming up  
22 during the trial.

23 I mean, one of the things that I think the parties  
24 in this case are trying to do is to make sure that we  
25 telegraph to the Court if something is going to be an issue;

1 you know, that's why we write letters the day before just so  
2 the Court can have them. And we always have conferences the  
3 day before a court conference so that we can conference things  
4 with the government and really make things easier for Your  
5 Honor.

6 And I feel like what we're requesting would make  
7 things easier for the Court, and it will make things easier  
8 for counsel as well, because we would have an idea before the  
9 trial started. And I'm not saying it has to be exhaustive. I  
10 would not be in a position of saying, Well, hey, Judge, maybe  
11 they didn't put this coconspirator's statement on their list,  
12 because that wouldn't be fair to me, and trials have a way of  
13 taking on, you know, lives of their own, and I know how that  
14 can be.

15 But I do think it really benefits the process to  
16 have some idea of what the very, very important  
17 coconspirator's statements are, because this is a large --  
18 this is not a discrete, three-member drug conspiracy, this is,  
19 you know, a vast alleged conspiracy with the conspirators  
20 quite literally all over the globe. And so it seems to me to  
21 be the kind of thing that the Court and the parties would  
22 benefit from some form of notice of what the nature of these  
23 coconspirator statements -- proposed coconspirator statements  
24 will be. So that's the basis for the request.

25 Your Honor is quite right, as we, I think we even

1 left this in our papers. This is not typically done in the  
2 Second Circuit, but the Court has great discretion in how Your  
3 Honor's trial will be conducted. And I think Your Honor's  
4 absolutely free, if Your Honor thinks this would be helpful to  
5 the Court to form some mechanism for this happening, whatever  
6 it might be. I don't even think it necessarily has to be a  
7 hearing per se. I think it could be a notice position. And  
8 not necessarily an all-encompassing notice position.

9 You know, just so everybody has an idea of the  
10 nature of this evidence, and we're not dealing with it on the  
11 fly, as so often happens. But in certain other cases it's a  
12 little more apparent because the number coconspirators are  
13 less, and the complexity of the alleged conspiracy is not  
14 quite as pronounced as this particular case.

15 So when we are thinking about how to make the trial  
16 I think easier and fairer, at least from the defense  
17 perspective, we realize we think that Rule 104 has a procedure  
18 for this, and we encourage Your Honor to exercise the Court's  
19 discretion and fashion some type of remedy so that the Court  
20 and the parties can all be on notice what coconspirator  
21 statements could be coming our way.

22 THE COURT: So you believe with their turning over  
23 the 3500 material that you'll have all of this information,  
24 Mr. Agnifilo?

25 MR. AGNIFILIO: The problem -- well, I suppose the

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1       3500 could help. I don't think we have any true 3500, because  
2 I don't think any of the actual witnesses we have statements  
3 for. So I do think that could help, Your Honor.

4                  THE COURT: What I anticipate is that the 3500  
5 material will make that clear to you as to what the  
6 coconspirator statements are, and you can challenge those at  
7 that point in time.

8                  Certainly, you would have that information prior to  
9 the testimony of every witness, and we can build in to the  
10 trial date, either at the start of the trial date or at the  
11 end of the trial date, an opportunity for each side to  
12 challenge any evidence that is being presented in the  
13 courtroom so that we're able to view it outside the presence  
14 of the jury without wasting their time.

15                 MR. AGNIFILIO: Your Honor, I think that that's  
16 actually quite fair. And that is -- that is acceptable to us,  
17 and we thank the Court for indulging us on that.

18                 THE COURT: I take it the government has no  
19 objection to Mr. Agnifilio?

20                 MR. ROLLE: No, Your Honor, thank you.

21                 THE COURT: Okay. I think that leaves us with --  
22 are there any other substantive issues, other than the  
23 government's motion *in limine*, which I don't need to review in  
24 detail before I hear from the parties on that? Are there any  
25 other substantive issues before turning to procedural issues

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1 as to the trial?

2 MR. AGNIFILIO: This is Marc Agnifilio, Judge. I  
3 think there's one issue that may or may not be a substantive  
4 issue.

5 We -- the parties have been discussing the jury  
6 charges for potential Malaysian crimes that are part and  
7 parcel of Count Three, the money laundering count. And during  
8 our conference call with the government last night, I asked  
9 the government, and they were good enough to say that they  
10 would provide an answer.

11 If the grand jury actually charged certain  
12 particular Malaysian criminal offenses as part of the money  
13 laundering charge, and the government said they would let us  
14 know, and if that's the case, then there's really no further  
15 work that needs to be done on this.

16 If the grand jury didn't charge specific Malaysian  
17 offenses as part of the money laundering offense, then we may  
18 want to write a short, I think we can probably keep it to less  
19 than five pages, a letter brief to Your Honor on that. And I  
20 do think -- and so there's that issue, Judge.

21 THE COURT: That's perfectly fine, counsel. And  
22 I'll give the government an opportunity to respond in writing  
23 also.

24 Anything further before we turn to figuring out the  
25 jury selection?

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1 MR. AGNIFILIO: Nothing from the defense, Judge.

2 THE COURT: Mr. Rolle?

3 MR. ROLLE: Nothing from the government, Judge.

4 THE COURT: Okay. So we're still figuring out the  
5 logistics of trial. As you can all appreciate, I expect that  
6 the trial will be either in my courtroom or that of  
7 Judge Chen. In all likelihood, it might be her courtroom  
8 because her courtroom is set up in a specific way that I think  
9 would accommodate this trial in particular because there are a  
10 number of, I assume, electronic and paper evidence.

11 In terms of the jury -- I'll let the parties know in  
12 advance exactly which courtroom it is. Judge Chen's courtroom  
13 is on the fourth floor, in the same location as to where my  
14 courtroom is on the sixth floor of the north side of the  
15 building.

16 Both courts are set up with the electronic evidence  
17 to be presented, and all of the evidence be presented  
18 remotely. And counsel will have the opportunity to visit  
19 whichever courtroom it is that we end up using. But if you  
20 were to visit one, the exact same circumstances are the same  
21 for the other courtroom.

22 In terms of jury selection, that will be done in the  
23 ceremonial courtroom, in all likelihood. What I'll do is I'll  
24 have the jury department bring in approximately 50 jurors for  
25 the morning and 50 in the afternoon.

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1           We'll seat the 50 in the ceremonial courtroom.  
2 We'll give them all a number from 1 to 50, and that will be  
3 their number throughout. So in other words, we won't be  
4 changing numbers that -- like we normally would do during  
5 normal jury selection. I will give opening remarks and ask  
6 *voir dire* questions of the 50 jurors in the ceremonial  
7 courtroom.

8           If there are answers that I need to follow up on, I  
9 will simply -- and I'll ask the parties to assist with this,  
10 and my law clerks will also record the number. And after  
11 questioning all 50 jurors, I will move them to the two  
12 courtrooms on the second floor next to the ceremonial  
13 courtroom. And those are Courtrooms 2E and 2F; 25 in each  
14 courtroom for purposes of distancing.

15           We'll then bring in -- and this will all be assisted  
16 by my courtroom deputy and the law clerk -- we'll bring in  
17 each juror individually and follow up, as is necessary. And I  
18 will likely ask the 10 or 15 biographical questions at that  
19 point in time of each individual juror.

20           I'll have the juror wait outside. So in a sense,  
21 the jurors will be moved around but not the parties. The  
22 parties, the court reporter, and myself will remain in the  
23 ceremonial courtroom throughout this proceeding.

24           We'll bring the jurors in individually. We'll  
25 excuse them as necessary for cause until we reach the magic

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1 number, at which point the parties will be able to exercise  
2 their challenges.

3 If we do need to, if we go through those 50 that are  
4 brought in in the morning, we'll go on to the second panel,  
5 the afternoon panel, and we'll start the process all over  
6 again.

7 In all likelihood, I'll have those jurors numbered  
8 from 51 through 101 so that there's no confusion with regard  
9 to juror numbers.

10 And I'll make sure the parties have the list of the  
11 jurors with their number. And I think that list also  
12 includes, in addition to their name, their county, and maybe  
13 the area in the specific county where they're from.

14 In terms of the trial days, I am flexible, and I'll  
15 ask the parties to confer and decide on how best you would  
16 like to proceed. While I'm happy to sit from 9:30 in the  
17 morning until 2:30, with a half-an-hour lunch break, that does  
18 make for a slightly shorter trial day as opposed to sitting  
19 from 9:30 or 10 in the morning until 5 in the afternoon with a  
20 one-hour break for lunch, and a 10- or 15-minute break, or a  
21 half hour in the morning and in the afternoon. If it's a  
22 shorter day, 9:30 to 2:30, then it's only a five-minute break  
23 and a half-an-hour break for lunch.

24 So I'll let the parties discuss that, and you can  
25 propose to the Court which is your preference. I'm happy to

1 do either.

2 As for sitting on Fridays, I haven't fully decided  
3 that yet either. It may make sense to do so. On the other  
4 hand, if I sit a full day every day, I do need to follow up  
5 with other matters on a Friday.

6 So if we do a 9:30 or 10 to 5 p.m. day, then in all  
7 likelihood I won't sit for the trial on Friday so that I could  
8 handle all my other matters on Friday.

9 In terms of mask wearing and operation in the  
10 courtroom. As of now, we are still requiring everyone to be  
11 masked in the courtroom.

12 After the jurors are selected, we can then inquire  
13 as to their vaccination status. If they are all vaccinated,  
14 then we can go back to seating them in the jury box; if  
15 they're not, they will be seated in the back of the courtroom,  
16 and the witness will be in the jury box.

17 But if we can sit the jury back in the jury box and  
18 put the witness on the stand.

19 The witness during testimony can remove their mask.  
20 We will provide just a plexi enclosure so that the witness can  
21 testify without a mask.

22 The attorneys and anyone sitting at counsel table,  
23 to the extent everyone is vaccinated, you can sit closely  
24 together, less than six feet apart, but you're still required  
25 to wear your mask.

1           The attorneys can, I believe, I believe there's  
2 specific guidance, and we will be speaking with the  
3 epidemiologist next week, so I'll have updated guidance.

4           The attorneys can remove their masks when  
5 questioning the witness or when -- definitely when addressing  
6 the jury for opening and closing statements. And what we'll  
7 use is a similar box to what we'll use for the witness when  
8 you're doing that, so you don't have to wear a mask.

9           And I think that applies also when questioning the  
10 witness. That guidance has changed over time. At one point  
11 we were not allowing attorneys to do that. So I'll provide  
12 you updated information on that. But when you're addressing  
13 the jury, you have to be masked. I'm hopeful that by January.

14           (Court reporter interrupts.)

15           (Pause in the proceedings.)

16           (Whereupon, the record was read.)

17           THE COURT: When you're addressing the jury, you can  
18 be unmasked. I am hopeful that by January maybe we will have  
19 updated guidance if everyone in the courtroom is vaccinated  
20 that we won't need to be masked, but as of now, we're still  
21 requiring everyone to wear a mask in the courtroom regardless  
22 of vaccination. But I'll keep the parties updated on any  
23 changes to that.

24           Is there anything that I did not discuss?

25           MR. AGNIFILIO: Not --

1 MR. ROLLE: All right. Go ahead, Marc.

2 MR. AGNIFILIO: No, no, I'm sorry, Drew, you go  
3 first.

4 MR. ROLLE: I actually had one thing to flag, Your  
5 Honor, as to the courtroom, to the extent that it's relevant  
6 to the position of where we would be.

7 We do expect that there might be testimony from  
8 witnesses remotely, and I just sort of, after discussing  
9 internally, I think that requires us, at least for those  
10 witnesses who are remote, to be in a courtroom that is wired  
11 in a particular way.

12 I'm not sure -- I know one recent trial where I  
13 think Judge Azrack's courtroom had remote testimony  
14 capabilities. So I just want to flag that that is also one  
15 requirement. And we're happy to move, if necessary, but I  
16 just want to flag that for Your Honor.

17 THE COURT: I'll confirm with IT, but I believe  
18 those courtrooms are wired and can accommodate that, but I'll  
19 confirm that.

20 Mr. Agnifilo?

21 MR. AGNIFILIO: I have nothing else, Your Honor.

22 Thank you.

23 THE COURT: Okay. So unless there's anything else  
24 for us to discuss today, I am going to adjourn this matter for  
25 another status conference date prior to trial.

1 I'm looking at the calendar now. How about we meet  
2 on the 21st of December?

3 MR. ROLLE: That's fine for the government, Your  
4 Honor. Thank you.

5 MR. AGNIFILIO: This is Marc Agnifilio. I can do  
6 that as well, but I am in front of Judge Matsumoto at 11:00.  
7 If we can do 10:00, that will be good.

8 THE COURT: We can do 9, if you would like.

9 MR. AGNIFILIO: That's fine, too, Judge.

10 THE COURT: Okay, why don't we make it 9 a.m. on  
11 Tuesday, December 21st. And hopefully I'll have updated  
12 information for the parties by then.

13 I expect that I would have reviewed the government's  
14 *in limine* motion as well, and we can discuss that then.

15 Have a great day everyone. We're adjourned.

16 MR. AGNIFILIO: Thank you, Your Honor. Thank you  
17 everyone.

18 MR. ROLLE: Thank you, Judge.

19 (Whereupon, the matter was concluded.)

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21 \* \* \* \*

22 I certify that the foregoing is a correct transcript from the  
23 record of proceedings in the above-entitled matter.

24 s/ Linda D. Daneleczyk

December 14, 2021

25 LINDA D. DANELECZYK

DATE